

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP
A Limited Liability Partnership
Including Professional Corporations
GARY L. HALLING, Cal. Bar No. 66087
JAMES L. MCGINNIS, Cal. Bar No. 95788
MONA SOLOUKI, Cal. Bar No. 215145
Four Embarcadero Center, 17th Floor
San Francisco, California 94111-4109
Telephone: 415-434-9100
Facsimile: 415-434-3947
Email: ghalling@sheppardmullin.com
Email: jmcginnis@sheppardmullin.com
Email: msolouki@sheppardmullin.com

Attorneys for Defendant
SAMSUNG SEMICONDUCTOR, INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

TRONG NGUYEN, on behalf of himself and
all others similarly situated,

Plaintiff

v.

SAMSUNG ELECTRONICS CO., LTD., et
al.,

Defendants.

CASE NO. 07-0086-SBA

**JOINT STIPULATION AND
[PROPOSED] ORDER EXTENDING
TIME TO RESPOND TO COMPLAINT
AND COMPLAINTS IN RELATED
ACTIONS**

The Hon. Sandra B. Armstrong
Amended Complaint filed Jan. 18, 2007

THIS STIPULATION ALSO RELATES TO
THE FOLLOWING RELATED CASES BY
ORDER OF MARCH 14, 2007:

*A Computer Place, Inc. v. Samsung
Electronics, Co., Ltd.*
Case No. C-07-01020-WHA

Burke v. Samsung Electronics, Co., Ltd., et al.
Case No. C-07-01236-MJJ

Miller v. Samsung Electronics, Co., Ltd., et al.
Case No. C-07-01147-EDL

THIS STIPULATION ALSO RELATES TO
THE FOLLOWING CASES SUBJECT TO
MOTIONS TO RELATE, FILED MARCH
15, 2007:

Alderman v. Samsung Electronics, Co., Ltd., et al.

Case No. C-07-1489-MJJ

Burt v. Samsung Electronics, Co., Ltd., et al.

Case No. C-07-1388-MMC

Perkins v. Samsung Electronics, Co., Ltd., et al.

Case No. C-07-1360-JL

TechToysForLess v. Samsung Electronics, Co., Ltd., et al.

Case No. C-07-1418-SC

Huh v. Samsung Electronics, Co., Ltd., et al.

Case No. C-07-1459-JCS

Krahmer v. Samsung Electronics, Co., Ltd., et al.

Case No. C-07-1460-SC

THIS STIPULATION ALSO RELATES TO THE FOLLOWING CASES SUBJECT TO THE MOTION TO RELATE, FILED APRIL 3, 2007:

Kevin's Computer and Photo v. Samsung Electronics Co., Ltd., et al.

Case No. C-07-1665-MJJ

Theisen v. Hitachi, Ltd., et al.

Case No. C-07-1680-BZ

Greenwell v. Samsung Electronics Co., Ltd., et al.

Case No. C-07-1524-EDL

Sweatman v. Samsung Electronics Co., Ltd., et al.

Case No. C-07-1613-MEJ

Pellitteri v. Samsung Electronics Co., Ltd., et al.

Case No. C-07-1614-JSW

Davis v. Samsung Electronics Co., Ltd., et al.

Case No. C-07-1735-MEJ

McClellan-Chambers v. Samsung Electronics Co., Ltd., et al.

Case No. C-07-1823-SC

Juskiewicz v. Samsung Electronics Co., Ltd., et al.

Case No. C-07-1829-JL

WHEREAS the undersigned Plaintiff Trong Nguyen has filed a Complaint in the above-captioned case on or about January 5, 2007;

WHEREAS the additional, undersigned Plaintiffs have filed Complaints in the above-captioned cases since Plaintiff Nguyen filed his case;

WHEREAS in all of the Complaints, Plaintiffs allege price fixing by manufacturers of Flash Memory;

WHEREAS more than eighteen complaints have been filed to date in the Northern District of California and one complaint has been filed in the Southern District of New York by plaintiffs bringing class actions on behalf of either direct or indirect purchasers alleging price fixing by manufacturers of Flash Memory (collectively, "the Flash Memory Cases");

WHEREAS a motion is currently pending before the Judicial Panel on Multidistrict Litigation ("JPML") to transfer the Flash Memory Cases to a single judge for consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407;

WHEREAS this Court recently related three of the Flash Memory Cases pending in the Northern District of California to this action, and other motions are currently pending before the Court to consider whether additional actions pending in this District should be related;

WHEREAS the parties believe that the Flash Memory Cases will be consolidated or coordinated either as multidistrict litigation ("MDL") or as a group of related cases within the Northern District of California, and anticipate that, in either instance, Plaintiffs will likely file separate Consolidated Amended Complaints for the direct and indirect Flash Memory Cases;

WHEREAS the parties have agreed that an orderly schedule for any response to the pleadings in the Flash Memory Cases is more efficient for the parties and for the Court;

WHEREAS Plaintiffs agree that the deadline for Samsung Semiconductor, Inc. ("SSI") to respond to the Complaints in each of the above-captioned cases, and any other cases

1 subsequently related or transferred to this Court, shall be extended until the earlier of the
2 following two dates: (1) forty-five days after the filing of Consolidated Amended Complaints in
3 the direct and indirect Flash Memory Cases either in the MDL transferee Court or in the Court in
4 which the Flash Memory Cases pending in this District are consolidated and/or coordinated in the
5 Northern District of California; or (2) forty-five days after Plaintiffs provide written notice to SSI
6 that they do not intend to file Consolidated Amended Complaints in the direct and indirect Flash
7 Memory Cases, provided that such notice may be given only at or after the initial case
8 management conference either in the MDL transferee Court or in the Court in which all Flash
9 Memory Cases pending in this District are consolidated and/or coordinated in the Northern
10 District of California;

11 WHEREAS Plaintiffs further agree that this extension is available, without further
12 stipulation with counsel for Plaintiffs, to all named Defendants who notify Plaintiffs in writing of
13 their intention to join this extension;

14 WHEREAS Plaintiffs and Defendant SSI (and any other named Defendants who
15 provide notice of their intention to join this extension pursuant to the preceding paragraph) agree
16 that each such defense counsel shall accept service on behalf of the Defendant that provided
17 notice of its intention to join this extension of all complaints in the above-captioned matter,
18 including any amended or consolidated complaints, and further, that such Defendant shall not
19 contest the sufficiency of process or service of process. This Stipulation does not constitute a
20 waiver of any other defense, including but not limited to, the defense of lack of personal or
21 subject matter jurisdiction;

22
23 PLAINTIFFS AND DEFENDANT SSI, BY AND THROUGH THEIR
24 RESPECTIVE COUNSEL OF RECORD, HEREBY STIPULATE AS FOLLOWS:

25 1. The deadline for Defendant SSI to respond to the Complaints in the above-
26 captioned cases, and any other cases subsequently related or transferred to this Court, shall be
27 extended until the earlier of the following two dates: (1) forty-five days after the filing of
28 Consolidated Amended Complaints in the direct and indirect Flash Memory Cases either in the

MDL transferee Court or in the Court in which the Flash Memory Cases pending in this District are consolidated and/or coordinated in the Northern District of California; or (2) forty-five days after Plaintiffs provide written notice to SSI that they do not intend to file Consolidated Amended Complaints in the direct and indirect Flash Memory Cases, provided that such notice may be given only at or after the initial case management conference either in the MDL transferee Court or in the Court in which all Flash Memory Cases pending in this District are consolidated and/or coordinated in the Northern District of California.

2. This extension is available, without further stipulation with counsel for Plaintiffs, to all named Defendants who notify Plaintiffs in writing of their intention to join this extension.

3. Defendant SSI (and any other named Defendants who provide notice of their intention to join this extension pursuant to the preceding paragraph) agree that each such defense counsel shall accept service on behalf of the defendant that provided notice of its intention to join the extension of all complaints in the above-captioned matter, including any amended or consolidated complaints, and further, that such defendant shall not contest the sufficiency of process or service of process. This Stipulation does not constitute a waiver of any other defense, including but not limited to, the defense of lack of personal or subject matter jurisdiction.

4. Plaintiffs and Defendant SSI (and any other named Defendants who provide notice of their intention to join this extension pursuant to the preceding paragraph) agree that notwithstanding the above paragraphs, should any defendant to whom this extension applies respond to any complaint in another Flash Memory case filed in another United States District Court or a state court prior to the date contemplated by this Stipulation, then such defendant shall make a simultaneous response to the complaint in the above-captioned matter.

IT IS SO STIPULATED.

1 Dated: April 11, 2007

SHEPPARD, MULLIN, RICHTER & HAMPTON LLP

2
3 By: /s/ Mona Solouki

4 Mona Solouki

5 *Attorneys for Defendant Samsung Semiconductor, Inc.*

6 Dated: April 11, 2007

PEARSON, SIMON, SOTER, WARSHAW &
PENNY LLP

7
8 By: /s/ Bruce L. Simon

9 Bruce L. Simon

Attorneys for Plaintiff A Computer Place

10 Dated: April 11, 2007

FURTH LEHMANN & GRANT LLP

11
12 By: /s/ Christopher L. Lebsock

13 Christopher L. Lebsock

14 *Attorneys for Plaintiffs Nguyen, Burt, Miller, Perkins and TechToysForLess*

15 Dated: April 11, 2007

ZELLE HOFMANN VOELBEL MASON & GETTE
LLP

16
17
18 By: /s/ Christopher Micheletti

19 Christopher Micheletti

20 *Attorneys for Plaintiffs Nguyen, Burke, Burt, Miller, Perkins, TechToysForLess*

21 Dated: April 11, 2007

STEYER LOWENTHAL BOODROOKAS
ALVAREZ & SMITH LLP

22
23 By: /s/ Allan Steyer

24 Allan Steyer

25 *Attorneys for Plaintiffs Nguyen, Miller, Burt, Huh, Krahmer, Sweatman, Pellitteri, Davis, McClellan-Chambers and Jamac Enterprises d/b/a/ Elite Custom Computers, Inc.*

1 Dated: April 11, 2007

LIEFF, CABRASER, HEIMANN & BERNSTEIN,
LLP

2
3
4 By: /s/ Eric B. Fastiff

Eric B. Fastiff

Attorneys for Plaintiff Alderman

5
6 Dated: April 11, 2007

THE TERRELL LAW GROUP

7
8 By: /s/ Reginald Terrell

Reginald Terrell

Attorneys for Plaintiff Greenwell

9
10 Dated: April 11, 2007

LAW OFFICES OF JOSEPH M. PATANE

11
12 By: /s/ Joe Patane

Joe Patane

Attorneys for Plaintiff Juskiewicz

13
14 Dated: April 11, 2007

BERMAN, DEVALERIO, PEASE TABACCO,
BURT & PUCILLO
Joseph J. Tabacco Jr.
Christopher T. Heffelfinger

15
16
17 KOHN, SWIFT & GRAF, P.C.

Joseph Kohn

William E. Hoese

18
19
20 By: /s/ Christopher T. Heffelfinger

Christopher T. Heffelfinger

Attorneys for Plaintiff Kevin's Computer and Photo

21
22 Dated: April 11, 2007

GROSS & BELSKY LLP

23
24 By: /s/ Terry Gross

Terry Gross

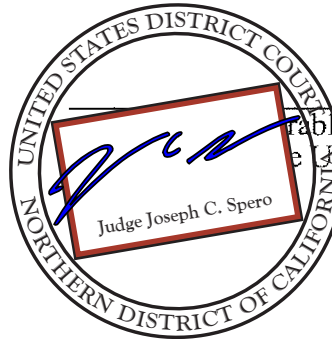
Attorneys for Plaintiff Theisen

ORDER

PURSUANT TO STIPULATION, IT IS SO ORDERED.

IT IS FURTHER ORDERED THAT, to conserve party and judicial resources, and in light of the proceedings currently pending before the JPML to consolidate and transfer all pending Flash Memory Cases to one Court, and pending motions in this Court to consider whether additional cases should be related, this extension is available in ALL RELATED ACTIONS (both current and to be related in the future) to any defendant that provides written notice to plaintiff's counsel in such action of this Order and its intention to join this extension, without further stipulation with counsel for plaintiff(s) in the related actions.

Dated: 4/16/07



Joseph C. Spero
Clerk of the Court
United States District Court